

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FOREST LABORATORIES, INC,

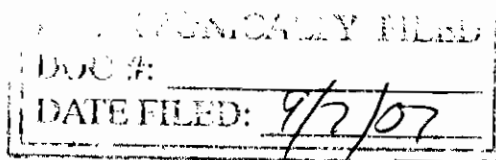
Plaintiff,

-against-

LEIF NISSEN,

Defendant.
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MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE:



ORDER

07 Civ. 07399 (AKH) (MHD)

A pre-trial conference having been held with counsel for the respective parties on September 7, 2007,

It is hereby **ORDERED** as follows:

1. Plaintiff is to provide today a copy of the summons and complaint to defendant's counsel, who is authorized to accept service. This directive is without prejudice to plaintiff's contention that it has already served defendant.

2. Defendant is to respond to the complaint by answer or motion, by September 21, 2007.

3. The parties are to serve their initial interrogatories and document requests by September 28, 2007.

4. The parties are to respond to each other's interrogatories and document requests within two weeks after being served with

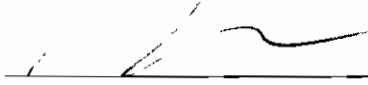
them.

5. All discovery is to be completed by October 31, 2007.

6. The parties are to submit a joint pre-trial order by November 14, 2007, unless a potentially dispositive motion has been served by that date.

DATED: New York, New York
September 7, 2007

SO ORDERED.



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been sent this date to:

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